

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

GEVO, INC.,	)	
	)	
Plaintiff,	)	
	)	
v.	)	C.A. No. 12-70-SLR
	)	
BUTAMAX(TM) ADVANCED BIOFUELS	)	<b>JURY TRIAL DEMANDED</b>
LLC, and E. I. DU PONT DE NEMOURS AND	)	
COMPANY,	)	
	)	
Defendants.	)	

**STIPULATION AND ORDER OF DISMISSAL**

IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned attorneys for the parties herein, subject to the approval of the Court, that all claims asserted by Gevo, Inc. (“Gevo”) against Butamax™ Advanced Biofuels LLC (“Butamax”) and E.I. DuPont de Nemours and Company (“DuPont”) in this action, and all counterclaims asserted by Butamax and DuPont against Gevo in this action, are hereby dismissed in their entirety, **WITHOUT PREJUDICE**, with each side to bear their own costs and fees of this action;

IT IS FURTHER STIPULATED AND AGREED, that Gevo shall not assert United States Patent No. 8,101,808 (the “‘808 patent”), the patent-in-suit in this action, against Butamax, DuPont, or their affiliates, partners or licensees, until a final Certificate of Reexamination is issued by the United States Patent and Trademark Office, stemming from Inter Partes Reexamination Control No. 95/000,666, with Butamax and DuPont reserving the right to assert all available claims and defenses in the event of any such future assertion of the ‘808 patent by Gevo.

Dated: May 6, 2013

\_MORRIS, NICHOLS, ARSHT & TUNNELL LLP

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IT IS SO ORDERED this \_\_\_\_ day of May \_\_\_, 2013

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United States District Judge